

# Order

Michigan Supreme Court  
Lansing, Michigan

October 3, 2012

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2012–10

Michael F. Cavanagh  
Marilyn Kelly

Amendment of Rule 3.979  
of the Michigan Court Rules  
(Extending Juvenile Guardianship  
Assistance Until Age 21)

Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comment received, the following amendment of Rule 3.979 of the Michigan Court Rules is adopted, effective January 1, 2013.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

## Rule 3.979 Juvenile Guardianships

(A)–(B) [Unchanged.]

(C) Court Jurisdiction; Review Hearings; Lawyer-Guardian ad Litem.

- (1) Jurisdiction. The court’s jurisdiction over a juvenile guardianship shall continue until terminated by court order. The court’s jurisdiction over a juvenile under section 2(b) of the Juvenile Code, MCL 712A.2(b), and the jurisdiction of the MCI under section 3 of 1935 PA 220, MCL 400.203, shall be terminated after the court appoints a juvenile guardian under this section and conducts a review hearing pursuant to MCR 3.975 when parental rights to the child have not been terminated, or a review hearing pursuant to MCR 3.978 when parental rights to the child have been terminated. Upon notice by the Department of Human Services that extended guardianship assistance beyond age 18 will be provided to a youth pursuant to MCL 400.665, the court shall retain jurisdiction over the guardianship until that youth no longer receives extended guardianship assistance.

- (2) Review Hearings. The review hearing following appointment of the juvenile guardian must be conducted within 91 days of the most recent review hearing if it has been one year or less from the date the child was last removed from the home, or within 182 days of the most recent review hearing if it has been more than one year from the date the child was last removed from the home.
- (3) Lawyer-Guardian ad Litem. The appointment of the lawyer-guardian ad litem in the child protective proceeding terminates upon entry of the order terminating the court's jurisdiction pursuant to MCL 712A.2(b). At any time after a juvenile guardian is appointed, the court may reappoint the lawyer-guardian ad litem or may appoint a new lawyer-guardian ad litem if the court is satisfied that such action is warranted. A lawyer-guardian ad litem appointed under this subrule is subject to the provisions of MCL 712A.17d.

(D) Court Responsibilities.

(1) Annual Review.

- (a) The court shall conduct a review of a juvenile guardianship annually. The review shall be commenced within 63 days after the anniversary date of the appointment of the guardian. The court may conduct a review of a juvenile guardianship at any time it deems necessary. If the report of the juvenile guardian has not been filed as required by subrule (E)(1), the court shall take appropriate action.
- (b) If extended guardianship assistance has been provided to a youth pursuant to MCL 400.665, the court shall conduct an annual review hearing at least once every 12 months after the youth's eighteenth birthday to determine that the guardianship meets the criteria under MCL 400.667. Notice of the hearing shall be sent to the guardian and the youth as provided in MCR 3.920(D)(1). The court shall issue an order to support its determination and serve the order on the Department of Human Services, the guardian, and the youth.

(2)–(4)[Unchanged.]

(E)–(F) [Unchanged,]

*Staff Comment:* The amendment of MCR 3.979 implements the judicial action requirements of 2011 PA 225 and 2011 PA 229 by: (1) acknowledging court jurisdiction over guardianships for which the Department of Human Services will continue providing

subsidies after the wards reach age 18; and (2) requiring that the supervising courts conduct annual review hearings and make appropriate findings. Adoption of the amendment enables Michigan to receive federal Title IV-E funding for the post-18 guardianship program.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 3, 2012

*Corbin R. Davis*

Clerk